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HOUSE BILL 525

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Thomas E. Swisstack

AN ACT

RELATING TO JUVENILE SERVICES; REVISING THE CRITERIA FOR GRANT APPLICATIONS PURSUANT TO THE PROVISIONS OF THE REGIONAL JUVENILE SERVICES ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 33-12-1 NMSA 1978 (being Laws 1994, Chapter 16, Section 1) is amended to read:

"33-12-1. SHORT TITLE. -- ~~[This act]~~ Chapter 33, Article 12 NMSA 1978 may be cited as the "Regional Juvenile Services Act". "

Section 2. Section 33-12-2 NMSA 1978 (being Laws 1994, Chapter 16, Section 2) is amended to read:

"33-12-2. PURPOSE. -- The purpose of the Regional Juvenile Services Act is to:

A. establish ~~[a regional system]~~ eight regional

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1 systems of juvenile services, including secure detention  
2 facilities for juveniles and nonsecure alternatives to  
3 detention;

4 B. provide cost-effective care, through a continuum  
5 of services, to juveniles referred to juvenile probation and  
6 parole offices; and

7 C. encourage the state, counties, [~~and~~]  
8 municipalities and tribal governments to act in a cooperative  
9 fashion to provide juvenile services. "

10 Section 3. Section 33-12-5 NMSA 1978 (being Laws 1994,  
11 Chapter 16, Section 5) is amended to read:

12 "33-12-5. CRITERIA FOR GRANT APPLICATIONS. -- Units of  
13 local or tribal government or nonprofit organizations may apply  
14 for grants from the regional juvenile services grant fund,  
15 provided that:

16 A. for regional nonsecure alternative programs:

17 (1) the juvenile has been referred to the  
18 program by the juvenile probation and parole office;

19 (2) the program's primary purpose is to  
20 provide an alternative to placement in a secure juvenile  
21 detention facility;

22 (3) one or more units of local or tribal  
23 government agree to provide the required local matching funds;

24 (4) a region is identified and a formal  
25 regional organization is established;

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1                    (5) no more than eight regions will be  
2 recognized statewide;

3                    [~~(4)~~] (6) the children's court division of the  
4 district court that has jurisdiction over the juvenile placed  
5 in the nonsecure program has approved the use of the program  
6 for such purposes; [~~and~~

7                    ~~(5)~~] (7) the amount of the grant application  
8 does not exceed [~~sixty~~] ninety percent of the total annual cost  
9 for the nonsecure alternative program; and

10                    (8) a local match of project costs may consist  
11 of money, land, equipment or in-kind services;

12                    B. for planning, assessment and design of a  
13 regional system of juvenile services:

14                    (1) the grant application is for a project  
15 that will serve multiple contiguous counties, municipalities,  
16 Indian tribes or pueblos;

17                    (2) no more than eight regions will be  
18 recognized statewide; and

19                    (3) the amount of the grant application does  
20 not exceed [~~seventy-five~~] ninety percent of the total cost for  
21 planning, assessing and designing the regional system of  
22 juvenile services; or

23                    C. for development of multipurpose regional  
24 facilities:

25                    (1) the applicant certifies that it is willing

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1 and able to operate a multipurpose regional facility in  
2 conformance with standards for detention facilities set forth  
3 in the Children's Code;

4 (2) only juveniles will be detained or  
5 sheltered in a proposed multipurpose regional facility;

6 (3) no more than eight regions will be  
7 recognized statewide;

8 [~~(3)~~] (4) the grant application includes  
9 formal arrangements for provision of adequate space for  
10 nonsecure services within the multipurpose regional facility,  
11 including emergency shelter and emergency treatment services;

12 [~~(4)~~] (5) the region, composed of multiple  
13 contiguous counties, municipalities, Indian tribes or pueblos,  
14 that will use the multipurpose regional facility has been  
15 identified and established pursuant to a joint powers agreement  
16 entered into by units of local or tribal government within the  
17 region;

18 [~~(5)~~] (6) a formal agreement is entered into  
19 by all judicial districts within a region pledging the  
20 districts' intent to cooperate with a plan for a regional  
21 system of juvenile services; [~~and~~

22 (6) (7) the amount of the grant application  
23 does not exceed [~~fifty~~] ninety percent of total project costs  
24 for the development of a multipurpose regional facility; and

25 (8) a local match of project costs may consist

1 of money, land, equipment or in-kind services. "

2 Section 4. Section 33-12-6 NMSA 1978 (being Laws 1994,  
3 Chapter 16, Section 6) is amended to read:

4 "33-12-6. CRITERIA FOR APPROVAL OF APPLICATIONS. --

5 A. Upon receipt of an application for a grant from  
6 the regional juvenile services grant fund for a nonsecure  
7 alternative program or service, the children, youth and  
8 families department shall certify that the alternative program  
9 will serve juveniles who would otherwise have been placed in  
10 secure detention.

11 B. Upon receipt of an application for planning,  
12 assessment and design of a regional system of juvenile  
13 services, the children, youth and families department shall  
14 certify that the application is for a project that will serve  
15 multiple contiguous counties, municipalities, Indian tribes or  
16 pueblos.

17 C. Upon receipt of an application to develop a  
18 multipurpose regional facility from the regional juvenile  
19 services grant fund, the children, youth and families  
20 department shall certify that the proposed development of a  
21 multipurpose regional facility set forth in the application  
22 conforms to standards for detention facilities set forth in the  
23 Children's Code and administrative regulations promulgated by  
24 the children, youth and families department. For those  
25 applicants for a multipurpose regional facility, priority shall

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be given to an applicant whose plan includes:

(1) provisions for a regional system of juvenile services within an area composed of multiple contiguous counties, municipalities, Indian tribes or pueblos;

(2) an executed agreement between all judicial districts within the area pledging the respective districts' intent to use the proposed multipurpose regional facility for the detention of juveniles; and

(3) joint powers agreements between all units of local and tribal government within the [area] region."

Section 5. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2005.